

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

Bail Appl..No. 7526 of 2007(L)

**-----
(CRIME NO.187/2007 OF KOLAVALLLOOR POLICE STATION)
-----**

PETITIONERS/ACCUSED:

-
- 1. LUKMAN.P.K., S/O.MOOSA,
AGED 21 YEARS, STUDENT, PEETTAKANDY HOUSE,
KADAVATHOOR P.O.**
 - 2. SHANIL.M., S/O.ABDULLA, AGED 21 YEARS,
STUDENT, MADHIYAMBATH HOUSE, KADAVATHOOR PO.**
 - 3. SHAFEEQUE.K.K., S/O.ABDULLA,
AGED 21 YEARS, STUDENT, KAVOODKANDY HOUSE,
KADAVATHOOR P.O.**
 - 4. MUNEER.M., S/O.AALI,, AGED 20 YEARS,
STUDENT, MATHATH HOUSE, KADAVATHOOR P.O.**
 - 5. RAHIZ.K.K., S/O.MOHAMMED, AGED 29
YEARS, BUSINESS, KOPPARAKANDIYIL HOUSE,
KADAVATHOOR P.O.**

BY ADV. SRI.P.M.PAREETH

RESPONDENT: RESPONDENT:

**-----
STATE OF KERALA, REPRESENTED BY
SHO KOLAVALLLOOR POLICE STATION,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

KSS

R. BASANT, J.

.....
B.A. No. 7526 OF 2007
.....

Dated this the 7th day of December, 2007

O R D E R

Application for anticipatory bail. Petitioners are accused Nos.1 to 5. Altogether there are 5 accused persons. The crime has been registered, inter alia, under Sections 323 and 308 read with 149 IPC. The incident took place on 11.11.07. Political animosity is the alleged motive. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. The de facto complainant owes allegiance to the CPIM, the ruling party and his political clout has been misutilised to foist this false case on the petitioners. The inclusion of the allegation under Section 308 IPC eloquently declares such unfair motive, submits the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor has, at my request, read over to me the nature of injuries allegedly suffered by the victim

described in the wound certificate. I am satisfied that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 14/12/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 15/12/2007 and 17/12/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned

Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 14/12/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 14/12/2007.

(R.BASANT, JUDGE)

aks